

Chapter 1

R645-301-100 General Contents

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R645-301-112 Identification of Interests

112.100 Statement of corporation

C.W. Mining Company is a corporation, incorporated in the state of Utah. C.W. Mining Company is the payer of the abandoned mine reclamation fee. Federal Identification Number: 87-0399230.

112.200-230 Names, addresses, and telephone numbers of the applicant, and the applicant's resident agent who will accept service of process.

Applicant: C.W. Mining Company
53 W Angelo Ave
Salt Lake City, UT 84115
(801) 486-5047

Resident Agent Charles Reynolds
P.O. Box 1245
Huntington, UT 84528
(435) 687-2450

112.300 For Applicants other than single proprietorships:

112.310 Name and address of each officer, partner, principal, principal shareholder, and director or other person performing a function similar to a director

C.O.P Coal Development Company is the fee area and leaseholder of lands within the permit area. C.O.P. Coal Development Company has subleased all fee and federal coal rights to C.W. Mining Company for inclusion in the Bear Canyon LMU.

Corporate Office: C.O.P. Coal Development Co.
3212 South State Street
Salt Lake City, Utah 84115

Name	Title	Address
J. O. Kingston	President	53 West Angelo Ave, S.L.C., Ut. 84115
J. D. Kingston Jr.	Vice President	53 West Angelo Ave, S.L.C., Ut. 84115
Luanna Kingston	Sec./Treas.	53 West Angelo Ave, S.L.C., Ut. 84115

112.320 Not Applicable

112.330 The title of the person's position, date position was assumed, and when submitted under R645-300-147.

Table 1-1 Officers Authorized to Act on Behalf of C. W. Mining Company

Name	Title	Address	Start Date
B. W. Stoddard	President	P.O. Box 300, Huntington, Ut 84528	01/01/76
C. W. Reynolds	Vice Pres.	P.O. Box 1245, Huntington, UT 84528	07/01/04
D. J. Sanders	Sec./Treas.	53 West Angelo Ave., S.L.C., Ut 84115	06/17/93
C. W. Reynolds	Res. Agent	P.O. Box 1245, Huntington, UT 84528	07/01/04

112.340 All names under which the applicant operates or previously operated a coal mine and reclamation operation in the United States within the 5 years preceding the date of application.

C.W. Mining is doing business as (DBA) Co-Op Mining Company

112.350 Not Applicable

112.400 Pending, current, and previous coal mining and reclamation operation permit applications.

C/015/021 Utah Division of Oil Gas and Mining
C/015/025 Utah Division of Oil Gas and Mining

112.410 Federal or State permit numbers and MSHA numbers, the date of issuance, and the regulatory authority.

See [Table 1-2](#) on the following page.

112.420 Not Applicable

Table 1-2 Permits and Licenses

Agency and Address	Permit/License	Reference	ID #	Approval Date
Utah State Division of Oil, Gas & Mining 1594 West Temple Suite 1210 Salt Lake City, Utah 84108-1203	Surface Mining Control and Reclamation Permit	Reclamation Permits	ACT/015/021	11/02/89
			ACT/015/025	11/04/85
U.S. Environmental Protection Agency 999 18 th street, Suite 500 Denver, Colorado 80202-2405	Prevention of Significant Deterioration Permit (PSD)	Clean Air Act Amendments of 1977	Potential emissions less than 100 tons per year. PSD not required	
	Spill Prevention Control & Countermeasure Plan	Federal Water Pollution Control Act		
State of Utah Division of Water Quality 288 North 1460 West P.O. Box 144870 Salt Lake City, Utah 84114-4870	Utah Pollutant Discharge Elimination System, Utah General Permit for Coal Mining	Utah Water Pollution Control Act	UTH040006	05/04/89
	Construction Permits for Sediment Ponds.			11/19/85 01/20/93
Utah Division of Water Rights 1636 West North Temple Salt Lake City, Utah 74116-0690	Stream Alteration Permits	Section 73-3-29 UCA	92-93-02SA 00-93-01SA 01-93-07SA	09/02/92 04/10/02 08/28/02
	Water Rights Appropriation of Record of Diversion		93-3657 93-1067	07/02/92 07/25/86
	Dam Design Review	Section 73-5-12 UCA	92-93-16MD	04/13/92
Industrial Commission of Utah 160 East 300 South SLC, Utah 84151	General Safety Notice of Intent to Mine Coal	Orders Utah Coal Mines		
State of Utah Division of Air Quality 150 North 1950 West SLC, Utah 84114-4820	Air Quality Approval Order	Utah Air Conservation Regulation	DAQE-145-02	02/22/02
U.S. Department of Labor Mine Safety & Health P.O. Box 25367, D.F.C. Denver, Co 80225-0367	Mine Permit	Mine Safety and Health Act	42-00081-0 42-01697 42-02095 42-02263 42-02335	12/22/78 09/27/80 03/09/94 12/14/99 03/08/02
U.S. Department of Interior, Bureau of Land Management, Moab Dist. P.O. Box 970 Moab, Utah 84532	Resource Recovery and Protection Plan	43 CFR 3482	UT-070	12/20/01
	Logical Mining Unit		UTU-73342	04/20/90
Emery County Zoning Commission P.O. Box 297 Castle Dale, Utah 84513	Zoning Approval			04/07/80 06/20/01

112.500 & 112.600 Surface ownership, subsurface ownership and description of permit area.

[Plate 1-1](#) shows the Permit Area, [Plate 1-2](#) shows Surface Ownership, [Plate 1-3](#) shows Sub-Surface Ownership. The initials COP on the plates stand for C.O.P. Coal Development Company. [Table 1-3](#) lists the owners of the surface and mineral property rights within the permit area.

Table 1-3 Property Ownership

	<u>Surface</u>	<u>Coal</u>	<u>Minerals</u>	<u>Grazing</u>	<u>Oil & Gas</u>
A	1	1	1	1	1
B	2	3	3	2	3
C	1	3	3	1	3
D	3	3	3	3	3
E	2	1	1	2	1

1. C.O.P. Coal Development Co.
3212 South State Street
Salt Lake City, Utah 84115
2. U.S. Forest Service
599 W. Price River Drive
Price, Utah 84501
3. Bureau of Land Management
125 South 600 West
Price, Utah 84501

See [Plate 1-2](#) for location of areas A, B, C, D, and E.

Plate 1-1 shows the Permit Area, Plate 1-2 shows Surface Ownership, Plate 1-3 shows Sub-Surface Ownership. The initials COP on the plates stand for C.O.P. Coal Development Company. Table 1-3 lists the owners of the surface and mineral property rights within the permit area.

Federal lease U-024316, U-024318, U-020668, U-38727, U-46484, U-61048, and U-61049 are held by C.O.P. Coal Development Co. Fee Surface Area and Fee and Federal Coal Rights are leased by Co-Op Mining Company from C.O.P. Coal Development Co. (See letter from C.O.P. Coal Development Company, Appendix 2-A).

The lease guarantees Co-Op the right to mine and remove from, and for purposes incident to mining, including access roads, camp facilities, surface operations, storage of coal, and other activities; also unrestricted use of all access roads leading to and from the property.

A total of 10,991.83 acres are included in the permit area. This includes 6,615.43 acres of federal coal and 4,376.40 acres of private coal owned by C. O. P. Development.

Following is a description of the Permit Area.

Permit Area

- A. T16S, R7E SLBM Sec. 14 S1/2
Sec. 23 E1/2, E1/2 W1/2
Sec. 24 W1/2, W1/2 E1/2
Sec. 25 NW1/4 NW1/4, E1/2 NW1/4, SW1/4 SW1/4, E1/2 SW1/4
Sec. 26 NE1/4 NE1/4, NW1/4 NE1/4, N1/2 SW1/4 NE1/4 and the access/haul road and topsoil storage area as shown on Plate 2-1.
- T16S, R8E SLBM Sec. 7 NE1/4, NE1/4
Sec. 8 NW1/4, W1/4 E1/2, N1/2 SW 1/4, SE1/4 SW1/4
Sec. 16 All
Sec. 17 All
Sec. 21 E1/2 NW1/4, NE1/4, N1/2 SE1/4
- B. T16S, R7E SLBM Sec. 1 Lots 1 and 2, S1/2 NE1/4, SE1/4
Sec. 10 N1/2, N1/2 S1/2, SE1/4 SW1/4, S1/2 SE1/4
Sec. 11 All
Sec. 12 All
Sec. 13 ~~W1/4~~ All
Sec. 14 NE1/4, E1/2 NW1/4
Sec. 24 ~~E1/2 SE1/4, SE1/4 NE1/4~~ E1/2, E1/2,
Sec. 25 E1/2
- T16S, R8E SLBM Sec. 18 SW1/4, SW1/4
Sec. 19 S1/2 NW1/4, SW1/4, SW1/4 SE1/4, N1/2 SE1/4, S1/2 NE1/4
Sec. 20 S1/2 NW1/4, N1/2 SW1/4
Sec. 30 W1/2, W1/2 NE1/4, Nw1/4 SE1/4
- C. T16S, R7E SLBM Sec. 25 SW1/4 NW1/4, NW1/4 SW1/4
T16S, R8E SLBM Sec. 6 Lots 11-14, E1/2 SW1/4, W1/2 SE1/4, SE1/4 SE1/4
Sec. 7 all except NE1/4 NE1/4
Sec. 8 SW1/4, SW1/4
Sec. 18 N1/2, SE1/4, N1/2 SW1/4, SE1/4 SW1/4
- D. ~~T16S, R7E SLBM Sec. 25 E1/2~~
T16S, R8E SLBM ~~Sec. 30 W1/2, W1/2 NE1/4, NW1/4 SE1/4~~
Sec. 31 NE1/4 NW1/4, NW1/4 NE1/4
- E. T6S, R8E SLBM Sec. 19 Lot 1, NE1/4 NW1/4, N1/2 NE1/4
Sec. 20 N1/2 NW1/4, NE1/4, NE1/4, NE1/4
21 W1/2 NW1/4, N1/2 SW1/2, SE1/4 SW1/4, S1/2 SW1/4

Note: Letter corresponds with ownership shown in Table 2-1-3

~~The lease guarantees Co-Op the right to mine and remove from, and for purposes incident to mining, including access roads, camp facilities, surface operations, storage of coal, and other activities; also unrestricted use of all access roads leading to and from the property. A total of 3,336.18 acres are included in the permit area.~~

112.700 Mine associated structures MSHA numbers

<u>Structure</u>	<u>MSHA ID No.</u>
Bear Canyon #1 Mine	MSHA # 42-01697
Bear Canyon #2 Mine	MSHA # 42-02095
Bear Canyon #3 Mine	MSHA # 42-02263
Bear Canyon #4 Mine	MSHA # 42-02335

112.800 Interest in Lands, options, or bids for lands contiguous to the permit area.

There are no current interests, options or pending bids for lands contiguous to the permit area.

112.900 Not Applicable

R645-301-113 Violation Information

113.100 A statement as to whether the applicant has:

113.110 Had a federal or state coal mining permit revoked

C. W. Mining Co. has had no federal or state mining and reclamations permits revoked.

113.120 Forfeited a performance bond or security deposit

C. W. Mining Co. has never forfeited a performance bond.

113.200-240 Not Applicable

113.300-350 For any violation include the date of issuance and identity of the issuing regulatory authority. A brief description of the violation alleged in the notice. The date and location of any judicial proceeding initiated concerning the violation. The current status of the proceedings and of the violation notice. The actions taken by any person identified to abate the violation.

Violation information for C. W. Mining Company is given in [Appendix 1-A](#)

R645-301-114 Right of Entry Information

114.100-300 A description of the documents upon which the legal right to enter and begin coal mining and reclamation is based.

The applicant's right to enter the lands and to conduct operations in the permit area is based on the documents listed below. (See Appendix 1-B)

1. Title or Title Insurance Policy
2. Deed or Trust Deed
3. Utah Business License
4. County Business License
5. Tax Commission License
6. Coal Leases
7. Etc.

A statement concerning the lease between C.O.P. and Co-Op to mine coal is found in [Appendix 1-B](#). ~~This lease includes the area that Co-Op will use for the shower house proposed in 1992.~~

R645-301-115 Status of Unsuitability Claims

115.100 Information as to whether the permit area is within an area designated as unsuitable for coal mining and reclamation operations.

No portion of the area to be permitted is within an area designated as unsuitable for mining under the provision of 30 CFR 764 and 765. To the best of the applicant's knowledge, no portion of the area to be permitted is under study of designation as unsuitable for mining in an administrative proceeding under 30 CFR 764 and 765.

In preparing this application, Co-Op has conducted the most comprehensive study known to date of the suitability of the permit area. That study makes up the chapters that follow in this report.

State and Federal regulations allow an area to be unsuitable for the mining of coal if:

1. Reclamation is not economically or technologically feasible.

Reclamation at the Bear Canyon Mine is economically and technologically feasible. Reclamation plans are detailed in [R645-301-240](#).

2. Coal mining is incompatible with state and local land use.

Coal mining is compatible with present and future land use of the permit area. [R645-301-411](#) describes land use in detail.

3. Mining would affect fragile or historical lands and significantly damage historical, cultural, scientific, or aesthetic values of natural systems.

The permit area is neither historically significant nor fragile. There is only one archaeological site in the permit area, which will not be affected by mining and reclamation activities. (see [R645-301-411.143](#).) Damage to natural systems will be minimal and will be mitigated ([R645-301-535](#)), and [R645-301-731](#)). The area contains no endangered animal or plant species ([R645-301-322](#)).

4. Mining would effect renewable-resource lands and result in substantial losses of food, fiber, or water supply.

The permit area contains no prime farmland ([R645-301-221](#)) and limited merchantable timber ([R645-301-411.120](#)). The mine will have only minor impact, some of it beneficial, on water resources ([R645-301-731.100](#)).

5. Mining would affect natural-hazard lands and thereby endanger life and property.

The permit lands are not natural-hazard lands.

In addition, the permit area includes no cemeteries, no national trails, no wild and scenic rivers, no wilderness study areas, and no significant harvestable forest cover.

115.200 Claim of exemption as described in R645-301-333

No exemption claimed

115.300 Information regarding owners of nearby buildings

Waiver letters from the occupants of dwellings located within 300 feet of the coal mining operations are found in [Appendix 1-F](#). The dwelling nearest to the underground mine workings is the hunting cabin. Pictures were taken in 2004 for the pre-blast survey and are stored at the mine site.

R645-301-116 Permit Term

116.100 Starting and termination dates and the anticipated number of acres to be affected during each phase of mining over the life of the mine.

The mine started construction in 1981 and was in production by late fall of 1981.

Termination dates anticipated for each phase of mining are nebulous at this time although a detailed estimate of production and reserves are included in the Geology Section and a projection of ~~33~~ 13 years appears realistic (from ~~199~~ 2005). The final termination date for the mining operation is expected to be ~~2012~~ 2018.

The actual surface acreage disturbed by the mine operation is identified in [Table 1-4](#), ~~and~~ [R645-301-222.300](#), and [R645-301-240](#). [Plate 1-1](#) shows the permit area and [Plates 5-2](#) show the surface facilities and disturbed area.

Table 1-4 Surface Disturbance Summary			
DESCRIPTION	Total acres	Pre-1977 acres	New acres
Ball Park Topsoil Pile	1.27	-0-	1.27
Lower Haul Road	1.60	1.60	-0-
Sed Pond B & Scale Office Pad	2.60	1.23	1.37
Sed Pond A	0.75	-0-	0.75
Main Pad Area	12.32	8.89	3.43
Portal Access Road	3.25	0.02	3.23
Blind Canyon Seam Portal Area	1.81	0.51	1.30
Upper Storage Pad	0.87	-0-	0.87
Shower House Pad	1.83	-0-	1.83
Tank Seam Access Road	2.91	-0-	2.91
Tank Seam Portal Pad	0.66	-0-	0.66
No. 3 Mine Access Road	3.26	-0-	3.26
Conveyor belt Access/Topsoil Stockpile	1.50	-0-	1.50
Upper Conveyor belt Access Road No. 2	0.96	-0-	.96
WHR Blind Canyon Seam Portal Area	1.58	-0-	1.58
No. 4 Mine Access Road	2.74	-0-	2.74
WHR Tank Seam Portal Pad Area	0.55	-0-	0.55
TOTAL	40.46	12.25	28.21

116.200 No Response is needed

R645-301-117 Insurance, Proof of Publication and Facilities or Structures Used in Common

117.100 Proof of liability insurance.

Co-Op carries public liability and property damage insurance in due force. In response to OSM's completeness statement, this policy has been increased to comply with the requirements of 30 CFR 806.14 and R645-301-117. The policy bears a rider requiring the insurer to notify OSM and DOGM if the policy is canceled. A copy of the certificate of insurance and rider is supplied to the Utah Division of Oil, Gas, and Mining ([Appendix 1-C](#)).

117.200 Proof of publication in newspapers for permit, significant revision, and permit renewal.

As required with the filing of this application with [the](#) Division of Oil, Gas, and Mining, the applicant has filed an advertisement with the Emery County Progress and Salt Lake Tribune, local newspapers with circulation in Emery & Carbon countries sufficient to cover the locality of the applicant's operations. This advertisement follows the format required under 30 CFR 786.11 9aO and R645-300-121. Proof of publication can be found with a copy of the publication in [Appendix 1-D](#).

117.300 Facilities Shared With Other Operations

Not Applicable

R645-301-120 Permit Application Format and Contents

R645-301-130 Reporting of Technical Data

All technical data submitted is accompanied by the names of persons or organizations that collected and analyzed the data along with the dates it was collected and analyzed and the methods used.

131.000 No Response Necessary

132.000 No Response Necessary

R645-301-140 Maps and Plans

All maps of the permit area are at a scale of 1:6,000 or larger. All maps of adjacent area are at a scale of 1:24,000 or larger and clearly show the lands and waters. All maps include the types of information set forth U.S.G.S. 1:24,000 scale series. All maps distinguish which phase of operation it is showing, and which areas mining and reclamation has occurred.

R645-301-150 Completeness

All information required under R645-301 will be included.